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**From:** Scott, Jeff [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AFAC6D298397450094BD69BCE7B3746F-JSCOTT]  
**Sent:** 8/31/2015 3:34:39 PM  
**To:** Blumenfeld, Jared [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=daca728d1be7465b9809ef15e7e0e3c6-JBLUMENF]  
**Subject:** FW: PEER Press Release: EPA Stealth Rollback of School PCB Safeguards  
**Importance:** High

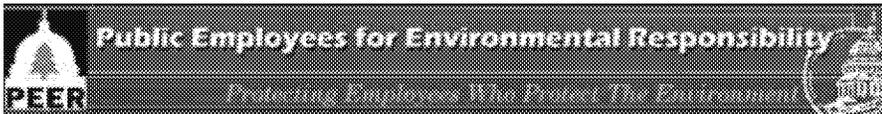
FYI - Here's PEER's press release on the new PCB Q and A document.

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**From:** Maier, Brent  
**Sent:** Thursday, August 20, 2015 7:43 AM  
**To:** Armann, Steve; Huetteman, Tom; Scott, Jeff; Mogharabi, Nahal  
**Cc:** LEONIDO-JOHN, STEVEN; LEONIDO-JOHN, STEVEN; Keener, Bill; Zito, Kelly; Kaiser, Sven-Erik; Hood, Timonie; Stollman, Scott  
**Subject:** PEER Press Release: EPA Stealth Rollback of School PCB Safeguards  
**Importance:** High



For Immediate Release: Thursday, August 20, 2015  
Contact: Kirsten Stade (202) 265-7337

## **EPA STEALTH ROLLBACK OF SCHOOL PCB SAFEGUARDS Material and Exposure Testing Discouraged; Child Exposure Levels Loosened**

Washington, DC - Without announcement, the U.S. Environmental Protection Agency has removed guidance from its website and replaced it with much less protective advice on how schools and other building owners should address toxic polychlorinated biphenyls (PCBs), according to an analysis posted today by Public Employees for Environmental Responsibility (PEER). If followed, this guidance would result in thousands of students and teachers occupying schoolrooms containing illegal levels of PCBs, a bio-accumulating carcinogen linked to disruption of the immune, endocrine and neurological systems.

Caulk in schools built between 1950 and 1980 often has high levels of PCBs which can contaminate adjacent materials such as masonry or wood. To halt this growing risk, Congress banned materials with more than 50 ppm (parts-per-million) PCB under the Toxic Substances Control Act (TSCA).

In the last week of July, EPA quietly replaced guidance from its website with new documents which barely mention the TSCA prohibition EPA is supposed to enforce. Instead, the new guidance to schools -

- Fails to recommend testing caulk for PCBs regardless of the risk level for human exposure unless the buildings are going to be demolished or reconstructed;
- Downplays the need for air testing of exposure except in extreme circumstances; and
- Downgrades the categorization of air testing from "health" or "maximum concentration" levels to factors for "thoughtful consideration" which "should not be interpreted nor applied as 'bright line' or 'not-to-exceed' criteria." At the same time, EPA has significantly raised the exposure levels for young children - doubling levels to be "thoughtfully considered" for 3 to 6-year olds and raising them for most other age groups.

"EPA is basically advising school districts to fly blind - not recommending caulk testing and discouraging air testing for PCBs," stated PEER Senior Counsel Paula Dinerstein, pointing out that EPA does not display the research that led it to increase human exposure limits. "Without any public discussion, EPA has retreated to a perverse 'don't-ask-don't-tell' toxic enforcement approach for protecting school children and teachers."

This passive posture is playing out in a federal lawsuit by PEER, on behalf of teachers, and America Unites, on behalf of parents and students in the public schools in Malibu, California. Despite findings of ultra-high PCB levels (some in excess of 50% of tested caulk and over 11,000 times the legal limit), EPA has refused to direct district officials to conduct comprehensive testing or to take any enforcement action under TSCA. The suit seeks removal of all illegal levels of PCB by court order.

In prior years, by contrast, EPA pursued enforcement consent orders which, for example, directed the removal of all caulk and surrounding material after limited sampling showed PCB levels above the statutory threshold in one case, and removal of 900 windows in another case based on only a dozen samples showing caulk above 50 ppm.

"Under EPA's new guidance, these enforcement cases would never have been brought and the PCB-laden materials would still be in place, because the testing would never have been done," added Dinerstein, noting that school systems can still choose to be more protective and test and remediate PCB-containing materials. "EPA now acts as if its duty to enforce the Toxic Substances Control Act in our schools is a dirty secret to which children should not be exposed."

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[See the comparison between the new and old PCB guidance](#)

[View old EPA guidance](#)

[Compare new less protective guidance](#)

[Look at three previous PCB consent orders](#)

[Examine PEER Malibu schools suit](#)

[Compare abandoned schools treated more rigorously than those filled with students](#)

*Brent Maier*

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